**HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA**

**W.P.NO. 36810 OF 1998**

**DATED: 19.4.2007**

Between:

P. Ramakrishna and another

… Petitioners

and

The District Collector, Krishna at
Machilipatnam and others

… Respondents

**HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA**

**W.P.NO. 36810 OF 1998**

**ORAL ORDER:**

This writ petition is filed for a writ of Mandamus declaring Section 4 (1) notification issued through proceedings bearing Rc.No.G9-1964/96 dated 7.11.1996 published in the extraordinary issue, the Krishna District Gazette Issue No.60/96 dated 14.11.1996 as illegal and ultra vires.

The petitioners' lands are sought to be acquired by the issuance of a notification dated 7.11.1996 under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act'). It is stated that the respondents have even dispensed with the enquiry under Section 5-A of the Act. The impugned notification states that the acquisition is for the purpose of allotment of house-sites for weaker sections.

Heard the learned counsel for the petitioners.

Having regard to the fact that the respondents have not chosen to file any counter, this court has no option except to accept the contentions put forth by the learned counsel for the petitioners. As per the provisions of the Act, Section 4 (1) notification has to be published

in the official Gazette and in two local newspapers and there shall be wide publicity about the said notification while proposing to acquire the lands of the petitioners. Thereafter, within 2 years the draft declaration has to be published.

According to the learned counsel for the petitioners, except issuing a notification under Section 4(1) of the Act dated 7.11.1996, the respondent-authorities have not published the same either in the local newspapers or at convenient places in the said locality. Further, this writ petition was filed in the month of December 1998, by which time, according to the learned counsel for the petitioners, no draft declaration as provided for under Section 6 of the Act, was published.

In the light of the above, this court has no hesitation to hold that the very notification is contrary to the provisions of the Act. Accordingly, this writ petition is allowed and the notification issued under Section 4 (1) dated 7.11.1996 proposing to acquire the lands of the petitioners, is hereby quashed. No order as to costs.

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**GOPALA KRISHNA TAMADA, J**

**Date: 19.4.2007**
cvm